CBIA CONNECTICUT BUSINESS & INDUSTRY ASSOCIATION

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Hartford, CT
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H.B. 5235 AAC An Employee's Right to Inspect, Copy or Dispute the Contents of His/Her Personnel File

Good Afternoon Senator Prague, Representative Zalaski and other members of the Committee. My name is Kia Murrell and I am Associate Counsel at the Connecticut Business and Industry Association (CBIA). CBIA representing more than 10,000 companies throughout the state of Connecticut, but most of our members are small businesses of 50 or fewer employees.

CBIA generally opposes legislation which increases labor costs for Connecticut employers or that which limits their flexibility in managing their employees. We find HB 5235 to do both so we oppose this proposal.

HB 5235 is Unnecessary and Duplicative.
Connecticut General Statutes Section 31-128g which already requires an employer to provide employees with a copy of their personnel files. HB 5235 seeks to do the same thing and is therefore not needed.

The Timelines are Unreasonable and Cumbersome for Employers
With all of the employment laws, regulations, and personnel management issues that facing employers today, by and large they still find the time to comply with the Personnel Files Act and allow their current and former employees to review their records when requested. CBIA is unaware of any problem in this area. However, HB 5235 requires records to be inspected, copied and turned over to current employees within three days without regard to the number of employees that a business may manage. In the worst case scenario, scores of requests from employees could be submitted at or near the same time, making it difficult for employers to manage. A better approach would allow employers to turn over personnel records ***"within a reasonable time after a written request is received but no more than thirty (30) days."***

What Constitutes "Disciplinary Action?"

HB 5235 also requires employers to disclose document and disclose to their employees any disciplinary action in the personnel record. This provision is problematic in that there is no statutory definition of what constitutes a disciplinary action and there are a range of internal communications which could potentially have to be documented and placed in the personnel record. For example, disciplinary communications in the workplace range from a coaching discussion to notice of termination and everything in between. Many of these communications may not warrant written notation or documentation in a personnel file. In essence, this provision mandating employers to document any and all disciplinary action with no clear definition of it in the statute, may ultimately harm employees by requiring documentation of what would otherwise be intended to be constructive or helpful communications between management and their staffs.

For all of these reasons, we oppose HB 5235 and urge the Committee to reject it.